



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/603,237	06/24/2003	James J. Lutton JR.	RST899	5613
30245	7590	05/16/2006	EXAMINER	
ANTHONY EDW. J CAMPBELL			PETRAVICK, MEREDITH C	
PO BOX 160370			ART UNIT	
AUSTIN, TX 78716			PAPER NUMBER	

3671

DATE MAILED: 05/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/603,237	Applicant(s) LUTON, JAMES J.	
	Examiner Meredith C. Petravick	Art Unit 3671	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 May 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 6-8, 17 and 20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 6-8, 17 and 20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 6-8, 17 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kerr, Sr. 6,966,168 in view Meehleder 5,040,360.

Kerr, Sr. discloses a trimmer attachment for a mower deck including:

- a device for raising and lowering the trimmer by the operator (36)
- a line trimmer (Fig. 20) with a bottom side that is capable of feeding line upon tapping the line trimmer bottom side upon a surface (Col. 4, lines 52-60)

The trimmer attachment can be moved through a 90 degree arc. However, Kerr, Sr. the device for raising and lowering the trimmer is operated manual rather than by a servo motor connected to a switch.

Meehleder discloses a trimmer attached to a mower deck with a device for raising and lowering the trimmer. Unlike Skovhoj, Meehleder discloses making the device for raising and lowering the trimmer have a motor (37) connected to control panel (Column 3, line 51-56). The control panel has a line feed switch (37b) and a servo raise lower switch (37d). The servo raise lower switch is a toggle switch where the lever slides. The servomotor is electric.

Art Unit: 3671

It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the device for raising and lowering the trimmer of Kerr, Sr. automatic as in Meehleder, in order to decrease operator fatigue.

3. Claims 8, 17 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kerr, Sr. in view of Meehleder as applied to the claims above, and further in view of Skovhoj, 4,663,920.

The combination discloses the claim device described above except for providing a joystick switch connected to the servo to actuate the servo through angular changes in order to change the angle of the trimmer cut.

Unlike the combination, Skovhoj discloses a joystick switch (234) for changing the angle of the trimmer cut.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the combination with a joystick switch for actuating the servo through angular changes as taught in Skovhoj, in order to increase flexibility of use of the trimmer.

Response to Arguments


4. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection. Applicant's claims are now rejected as above. Kerr Sr. now discloses a bump type trimmer connected to a mower deck.

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Meredith C. Petravick whose telephone number is 571-272-6995. The examiner can normally be reached on M-T 8:00 a.m.- 5:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas B. Will can be reached on 571-272-6998. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Meredith C Petravick
Primary Examiner
Art Unit 3671

May 13, 2006

March 18, 2005